HOUSE RESEARCH =

Bill Summary =

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Authors: Westrom and others

Subject: Extended jurisdiction juvenile prosecutions; 13 year olds

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Overview

In Minnesota, children between the ages of 14 and 17 who are alleged to have committed a felony-level offense may be prosecuted as an extended jurisdiction juvenile (EJJ). This bill lowers the EJJ age to 13 years if the child is alleged to have committed a violent juvenile offense. An EJJ disposition includes a juvenile disposition and a stayed adult sentence that may be executed if the offender violates the juvenile disposition or commits a new offense. In contrast to EJJ dispositions for children age 14 to 17, this bill would not allow a stayed adult sentence for a 13 year old to include prison time in a state correctional facility for adults.

A violent juvenile offense is defined as certain person offenses. The bill also restricts the court's ability to expunge a juvenile record if the juvenile is adjudicated delinquent for committing a violent juvenile offense.

- 1, 5, 7, 8 Cross-references. Amend cross-references to reflect changes made in section 3.
- Violent juvenile offense. Defines a "violent juvenile offense" as any of the following offenses that would be a felony if committed by an adult: first through third degree murder, first and second degree manslaughter, first through fourth degree criminal sexual conduct (involving injury, force, or violence), and malicious punishment of a child.

- 3 Extended jurisdiction juvenile prosecutions.
 - **Subd. 1. Designation; child age 14 to 17 years**. Amends headnote.
 - **Subd. 1a. Designation; child age 13 years.** Creates a new EJJ designation that applies to children age 13 years who are alleged to have committed a violent juvenile offense. Authorizes the prosecutor to request that the proceeding be designated an EJJ prosecution.
 - **Subd. 4. Disposition; child age 14 to 17 years.** Amends headnote and makes conforming change to reflect the new designations under subdivisions 1 and 1a.
 - **Subd. 4a. Disposition; child age 13 years.** Creates a new EJJ disposition that applies to children age 13 years who are found to have committed a violent juvenile offense. Directs the court to impose a juvenile sentence and a stayed adult sentence. In imposing the adult sentence, the court may not order that the child be committed to a state correctional facility for adults.
- **Delinquency petition; EJJ.** Makes a conforming change to allow a prosecutor to request that a proceeding be designated as an EJJ prosecution if a 13 year old child is alleged to have committed a violent juvenile offense (see section 3).
- **Expungement.** Restricts a court's authority to expunge a juvenile record. Currently, a court may expunge a juvenile court record at any time it deems advisable, unless the child is transferred to the custody of the commissioner of corrections. This section provides that the court may not expunge a juvenile record if a child is adjudicated delinquent for a violent juvenile offense.
- 9 Liability of children. Makes a conforming change to the criminal code to reflect the change in age for EJJ prosecutions